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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.7971 OF 2007

M/s.Rishab Apparels Pvt. Ltd. ..Petitioner.

V/s.

Union of India & Ors. ..Respondents.

Mr.Anand Sachwani i/b. Advani Sachwani for petitioner.
Mr.R.Ashokan with Vijay Kantharia for respondents.

CORAM : F.I.REBELLO AND
J.P.DEVADHAR, JJ.

DATED : 26TH OCTOBER, 2007.

P.C. :-

Rule. Heard forthwith.

2. It is the case of the petitioner that he has imported goods and they are lying without the respondents passing any order of assessment since May, 2007.

3. The stand of the respondent-revenue is that there were earlier proceedings in respect of which ad-interim order was passed. The appeal preferred was dismissed. Pursuant to that the name of the petitioner has been included in the alert list and in these circumstances, proceedings were not initiated in

respect of the present imports. The order in the earlier proceedings has been set aside by the CESTAT and the matter remanded back to the adjudicating authority for de nova consideration. The next hearing of the matter is fixed on 29/10/2007. Considering the above, in our opinion, as the name of the petitioner was included in the alert list pursuant to the order and as subsequently, the order has been set aside that inclusion would be of no consequence, unless the adjudicating authority passes any final order against the petitioner herein wherefrom fresh steps will have to be taken.

4. Considering the above, we direct the respondent that in respect of the present imports to pass the necessary orders within one week from today.

5. With the above observations, Rule made absolute accordingly. There shall be no order as to costs.

(F.I.REBELLO, J.)

(J.P.DEVADHAR, J.)